

### **REMARKS**

Applicant concurrently files herewith a petition and fee for a three-month extension of time.

Claims 1-20 are all of the claims presently pending in the application. Claims 1-11 have been amended solely for placing the claims in condition for local practice. Claims 12-20 have been added to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant appreciates the Examiner's indication that claims 5-8 and 10 would be allowable if rewritten in proper independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1-4, 9 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Akema et al. (hereinafter "Akema").

This rejection is respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention (e.g., defined by claim 1) is directed to a jointing member. The jointing member includes a grommet and a pin. The grommet includes a flange portion, a leg portion in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion, and an engagement portion formed at an inner surface of the leg portion. The pin includes a head portion and a shaft portion to be inserted into the insertion hole of the leg portion. The shaft portion also includes an engagement surface and a lock surface for engaging the engagement portion.

In conventional jointing members, when the jointing and fixing procedure of the two panel members is completed, the tip end of the shaft portion of the pin largely protrudes outwardly from the tip end edges of the divided leg pieces. Thus, when another procedure is performed at the rear side of the protruded tip end, if the worker erroneously pushes the tip end of the shaft portion of the protruded pin, or another part is abutted against the tip end of the shaft portion of the protruded pin at the time of attaching the other part, the jointing member may be disengaged from the attachment holes of the panel members or the pin may be restored to the provisionally engaged state despite that the jointing member is not disengaged. This results in the jointing and fixing procedure of the panel members needing to be performed again or that the panel members may be transferred to the next procedure without it being noticed that the jointed and fixed state of the panel members is improper.

The invention of exemplary claim 1, on the other hand, provides a jointing member including a grommet and a pin. The grommet includes a flange portion, a leg portion, and an engagement portion formed at an inner surface of the leg portion (e.g., see Application at page 3, lines 15-24). This feature is important for preventing a worker from erroneously pushing the tip end of the shaft portion of the pin while the worker performs another procedure or the corner portion of another part is abutted against the tip end of the shaft portion of the pin (see Application at page 13, lines 9-19).

## **II. THE 35 USC §112, SECOND PARAGRAPH REJECTION**

Claims 1-11 stand rejected under 35 U.S.C. §112, second paragraph. Applicant submits that the claims have been amended to overcome this rejection. Specifically, Applicant has amended the claims to replace the term "engagement nail" with the term "engagement portion".

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

### **III. THE PRIOR ART REFERENCE**

The Examiner alleges that Akema teaches the claimed invention of claims 1-4, 9, and 11. Applicant submits that there are elements of the claimed invention which are neither taught nor suggested by Akema.

The Examiner attempts to rely on Figures 11 and 12 of Akema to support his allegations. The Examiner, however, is clearly incorrect.

Akema merely discloses a clip that includes both a pin having a flange and a shank, and a bush having a flange and a shank with the bush having a hollow configuration to receive the shank of the pin. The shank of the bush is inserted into holes of a plurality of attachment members to be connected with each other. Then, the shank of the pin is inserted into the hollow shank of the bush to enlarge the diameter of the shank of the bush so as to connect the attachment members to each other by the enlarged shank of the bush and the flange of the bush. The shank of the bush includes a plurality of longitudinally extending legs which are divided in the circumferential direction of the shank of the bush. Each of the legs includes a thin wall portion, which extends longitudinally from the root portion of the leg adjacent to the flange of the bush to the intermediate portion of the leg. The thin wall portion has a thickness less than that of the other leg portion extending longitudinally from the intermediate portion to the end of the leg. Each of the legs is formed with a slit extending from the root portion to substantially the intermediate portion and having a length greater than the maximum thickness of the attachment members.

The Examiner analogizes the first diameter portion 19 (what the Examiner terms as "engagement surface 19") of Akema to the claimed engagement portion. Akema, however, does not teach or suggest a jointing member including "an engagement portion formed at an inner surface of the leg portion" as recited in claim 1 and similarly recited in claim 9.

As noted above, unlike conventional jointing members, the claimed invention of

exemplary claim 1 provides a grommet, which includes a flange portion, a leg portion, and an engagement portion formed at an inner surface of the leg portion (e.g., see Application at page 3, lines 15-24). This feature prevents a worker from erroneously pushing the tip end of the shaft portion of the pin while the worker performs another procedure or the corner portion of another part is abutted against the tip end of the shaft portion of the pin (see Application at page 13, lines 9-19).

However Akema is deficient. Nowhere in figures 11 and 12 (nor anywhere else for that matter) does Akema teach or suggest a jointing member including an engagement portion formed at an inner surface of the leg portion. Indeed, the Examiner does not even mention this feature in his rejection, nor does the Examiner indicate where this feature is taught by Akema. In fact, Akema, in Figures 11 and 12, merely depicts the leg portion of the grommet engaging a small-diameter portion of the pin.

Therefore, Applicant respectfully submits that Akema does not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

#### **IV. NEW CLAIMS**

Claims 12-20 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. These claims are independently patentable because of the novel features recited therein.

Applicant respectfully submits that new claims 12-20 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 1-11.

**V. FORMAL MATTERS AND CONCLUSION**

Applicant respectfully requests the Examiner to acknowledge Applicant's claim of foreign priority and corresponding priority documents filed on March 2, 2004.

The title has been amended to be more indicative of the invention to which the claims pertain and to overcome the Examiner's objection to the title.

Applicant submits that the specification has been reviewed and amended in accordance with the Examiner's objection to the specification.

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: January 7, 2005



\_\_\_\_\_  
Scott M. Tulino, Esq.  
Registration No. 48,317

Sean M. McGinn, Esq.  
Registration No. 34,386

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**